

FISCAL NOTE

SB 765 - HB 1777

March 12, 2007

SUMMARY OF BILL: Includes elder abuse in the offenses ineligible for judicial diversion.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$33,000 / Incarceration*

Increase Local Govt. Expenditures - \$ 14,200* *

Assumptions:

- Elder abuse is punishable as a Class A misdemeanor under Tenn. Code Ann. § 71-6-117 or as felony aggravated assault under Tenn. Code Ann. § 71-6-119, depending on the severity of the offense.
- According to the Administrative Office of the Courts (AOC), there has been an average of three convictions of elder abuse per year, based on FY05 and FY06 and one admission to the Department of Correction (DOC) in FY06. DOC estimates one Class C and one Class D conviction pursuant to this bill. According to DOC, the average operating cost per inmate per day for calendar year 2006 is \$60.16.
- One offender will be convicted of a Class C offense of elder abuse and will serve 0.9 years (328.73 days). The cost per inmate at 0.9 years is \$19,776.40 (\$60.16 x 328.73 days).
- One offender will be convicted of a Class D offense of elder abuse and will serve 0.6 years (219.15 days). The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). No significant incarceration cost increase will occur due to population growth in this period.
- According to the AOC, a total of 12 elder abuse offenses have been sentenced as misdemeanors in the state courts over the past five years, an average of 2.5 per year. Estimate assumes that this number represents 10 percent of the total misdemeanor sentences for elder abuse. Approximately 25 offenses per year are sentenced as misdemeanors in general sessions and in state courts.
- Of the twenty-five misdemeanor convictions, 60 percent, or 15, are currently serving time in jail or are receiving another sentence that would not be affected by this bill. Ten per year are receiving judicial diversion.

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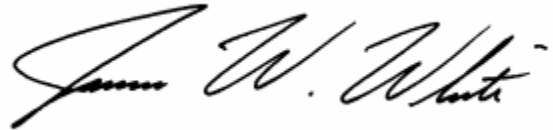
- Ten additional cases will receive jail time as a sentence under this bill. Each sentence will be an average of 30 days. According to the Comptroller, the cost to local jails is \$47.34 per day. The total cost to local governments will be \$14,200 ($10 \times 30 \times \$47.34 = \$14,202$).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director